

DANN, DORFMAN, HERRELL AND SKILLMAN
A PROFESSIONAL CORPORATION

1601 MARKET STREET · SUITE 2400 · PHILADELPHIA, PA · 19103-2307

PHONE (215) 563-4100 · FAX (215) 563-4044



September 15, 2004

Last Name of First Named Inventor:
David Mark Whitcombe

MAIL STOP ISSUE FEE

Application No. 09/700,732

Allowed: December 8, 2003

Atty. Docket No. 0380-P02328US0

Filed: March 19, 2001

CONFIRMATION NO.: 7974

For: **NUCLEIC ACID SEQUENCE
IDENTIFICATION**

COMMISSIONER FOR PATENTS

Mail Stop Issue Fee

P.O. Box 1450,

Alexandria, VA 22313-1450

REQUEST TO CHARGE DEPOSIT ACCOUNT

Upon review of the above-identified patent application at the time of allowance, it was noted that the Notification of Missing Requirements Under 35 U.S.C. 371 ("Notification") dated January 18, 2001 set a one-month response period and that the applicants' declaration required by the Notification was filed March 19, 2001 without a petition for extension of time.

The Transmittal Letter to the U.S. Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO-1390), which was submitted with the declaration in response to the Notification included authorization for the PTO to charge any additional fee which may be required to Deposit Account No. 04-1406. As provided in 37 C.F.R. §1.136(a)(3), such an authorization constitutes a constructive petition for extension of time in any concurrent reply requiring a petition for extension of time for its timely submission.


Copies of the aforementioned Notification and PTO-Form 1390 are submitted herewith.

Mail Stop Issue Fee
September 15, 2004
Page 2

A review of the Deposit Account Statement for Deposit Account No. 04-1406 of the undersigned attorney revealed that the Deposit Account was not charged for the petition fee authorized to be charged in the Form PTO-1390, as previously noted.

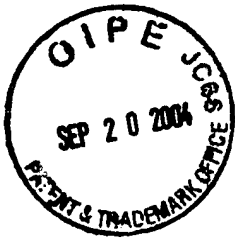
Accordingly, the Commissioner is hereby requested to charge Deposit Account No. 04-1406 the appropriate petition fee for a one-month extension of time that should have been charged at the time applicants' Declaration was filed on March 19, 2001.

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By 
PATRICK J. HAGAN
PTO Registration No. 27,643

Telephone: (215) 563-4100
Facsimile: (215) 563-4044
Customer No.: 000110

Copies enclosed:
- Notification of Missing Requirements
- PTO-Form 1390



DANN, DORFMAN, HERRELL AND SKILLMAN
A PROFESSIONAL CORPORATION

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September 15, 2004

Last Name of First Named Inventor:

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MAIL STOP ISSUE FEE

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Allowed: December 8, 2003

Atty. Docket No. 0380-P02328US0

Filed: March 19, 2001

CONFIRMATION NO.: 7974

For: **NUCLEIC ACID SEQUENCE
IDENTIFICATION**

Certification of Mailing Under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited on September 15, 2004 with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, Mail Stop Issue Fee, P.O. Box 1450, Alexandria, VA 22313-1450.


Caren Burgoon

COMMISSIONER FOR PATENTS

Mail Stop Issue Fee

P.O. Box 1450,

Alexandria, VA 22313-1450

REQUEST TO APPLY PREVIOUSLY PAID ISSUE FEE IN
ALLOWED APPLICATION SUBSEQUENTLY WITHDRAWN
FROM ISSUE THEREAFTER REALLOWED

Please apply the issue fee, which has been previously paid on March 8, 2004, to the above-identified application, which was originally allowed December 8, 2003, withdrawn from issue after payment of the issue fee, per Notice of Withdrawal From Issue Under 37 C.F.R. §1.313(b) dated April 20, 2004, and again found allowable, per Notice of Allowance dated June

15, 2004.

Copies of the following papers from the file of the above-identified patent application are enclosed:

1. Notice of Allowance, dated December 8, 2003.
2. PTOL-85-Part B-Fee(s) Transmitted with Certificate of Mailing.
3. Issue Fee payment (Check No. 38190 in the amount of \$1,360.00.)
4. Post Card Receipt, bearing a PTO date stamp of March 10, 2004.
5. Notice of Withdrawal From Issue Under 37 C.F.R. 1.313(b).
6. Notice of Allowance, dated June 15, 2004.

Authorization is hereby given to charge payment of any amount of issue fee presently required, in addition to the issue fee already paid, and to charge any additional fees required by this paper, or credit any overpayment, to Deposit Account No. 04-1406.

A duplicate of this paper is attached.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN

A Professional Corporation
Attorneys for Applicant

By Patrick J. Hagan
Patrick J. Hagan
PTO Registration No. 27,643

4/6



Our File: 0380-P02328US0

In re the Application of:

David Mark Whitcombe

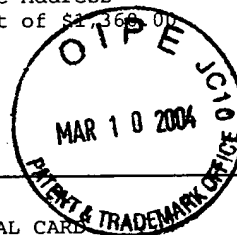
Serial Number: 09/700,732

Filed: March 19, 2001

For: Nucleic Acid Sequence
Identification

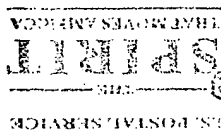
The following papers have been received:

- : - Fee Calculation Sheet (in duplicate)
- : - Issue Fee Transmittal PTOL-85B with
- : Certificate of Mailing (in duplicate)
- : - Notification of Fee Address
- : - Check in the Amount of \$2,368.00



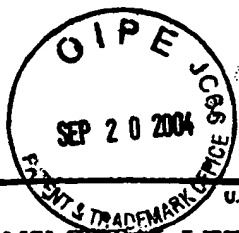
PLEASE STAMP AND RETURN THIS POSTAL CARD

I CERTIFY UNDER 37 C.F.R. §1.8 THAT THESE DOCUMENTS WERE
MAILED ON March 8, 2004.



Calvin Burgoon

Calvin Burgoon



FORM PTO-1370
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

0380-P02328US0

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/700,732

INTERNATIONAL APPLICATION NO.

PCT/GB99/01597

INTERNATIONAL FILING DATE

20 May 1999

PRIORITY DATE CLAIMED

20 May 1998

TITLE OF INVENTION

NUCLEIC ACID SEQUENCE IDENTIFICATION

APPLICANT(S) FOR DO/EO/US

WHITCOMBE, David Mark et al.

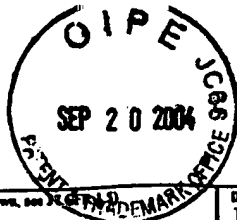
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendemnts has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

Copy of Form PCT/DO/EO/905 (December 1997)



U.S. APPLICATION NO. (if known, see 37 CFR 1.52)
09/700,732

INTERNATIONAL APPLICATION NO.
PCT/GB99/01597

ATTORNEY'S DOCKET NUMBER
0380-P02328US0

17. ☐ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Search Report has been prepared by the EPO or JPO

International preliminary examination fee paid to USPTO (37 CFR 1.482)
.....

No international preliminary examination fee paid to USPTO (37 CFR 1.482)
but international search fee paid to USPTO (37 CFR 1.445(a)(2))

Neither international preliminary examination fee (37 CFR 1.482) nor
international search fee (37 CFR 1.445(a)(2)) paid to USPTO

International preliminary examination fee paid to USPTO (37 CFR 1.482)
and all claims satisfied provisions of PCT Article 33(2)-(4)

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =		X
Independent claims	- 3 =		X
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+

TOTAL OF ABOVE CALCULATIONS =

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement
must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(f)).

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

TOTAL FEES ENCLOSED =

Amount to be:
refunded \$
charged \$

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 04-1406. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR
1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

HAGAN, Patrick J.
Dann Dorfman Herrell and Skillman, P.C.
1601 Market Street, Suite 720
Philadelphia, Pennsylvania 19103
United States of America

SIGNATURE:

Patrick J. Hagan

NAME

27,643

REGISTRATION NUMBER



BEST AVAILABLE COPY

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/700732	WHITCOMBE	D 0380-P02328U
INTERNATIONAL APPLICATION NO.		
PCT/GB99/01597		
I.A. FILING DATE	PRIORITY DATE	
20 MAY 99	20 MAY 98	
DATE MAILED: 18 JAN 2001		

PATRICK J HAGAN
DANN DORFMAN HERRELL AND SKILLMAN
SUITE 720
1601 MARKET STREET
PHILADELPHIA, PA 19103

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494).
- ☒ an Elected Office (37 CFR 1.495):
 - ☒ U.S. Basic National Fee.
 - ☒ Copy of the international application in:
 - ☐ a non-English language.
 - ☒ English.
 - ☒ Translation of the international application into English.
 - ☐ Oath or Declaration of inventor(s) for DO/EO/US.
 - ☐ Copy of Article 19 amendments.
 - ☐ Translation of Article 19 amendments into English.
 - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
 - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
 - ☒ Preliminary amendment(s) filed 20 NOV 2000 and _____.
 - ☐ Information Disclosure Statement(s) filed _____ and _____.
 - ☐ Assignment document.
 - ☐ Power of Attorney and/or Change of Address.
 - ☐ Substitute specification filed _____.
 - ☐ Verified Statement Claiming Small Entity Status.
 - ☒ Priority Document.
 - ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
 - ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
 - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

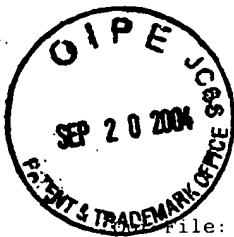
The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.



File: 0380-P02328US0

JC07 Rec'd PCT/PTO T 9 MAR 2001

In re the Application of:

David Mark Whitcombe et al.

U.S. Serial No. 09/700,732

Intl. Appln. No. PCT/GB99/01597

Intl. Filing Date: 05-20-99

Entitled: NUCLEIC ACID SEQUENCE
IDENTIFICATION

The following papers have been received:

- Certificate of Express Mail
- Transmittal Letter to the DO/EO/US Concerning a Filing Under 35 U.S.C. §371 (in duplicate)
- Declaration, Power of Attorney and Power to Inspect
- Copy of Form PCT/DO/EO/905

BEST AVAILABLE COPY

PLEASE STAMP AND RETURN THIS POSTAL CARD.

I CERTIFY UNDER 37 C.F.R. §1.10 THAT THESE DOCUMENTS WERE MAILED ON March 19, 2001
WITH EXPRESS MAIL LABEL NO. EL261102193US.

Kimberly St. Clair Kelley
KIMBERLY ST. CLAIR KELLEY

EL261102193US

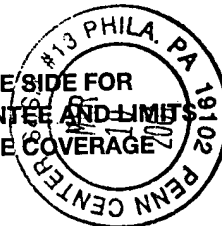


* EL261102193US *

POST OFFICE TO ADDRESSEE

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code 19102	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In Mo. Day Year 3 19 2001	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 12.24
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Weight lbs. 0.75	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials JK	Total Postage & Fees \$ 12.24

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Federal Agency Acct. No. or Postal Service Acct. No.		Customer Signature <i>Kimberly St. Clair Kelley</i>	
FROM: (PLEASE PRINT) LANN GOREMAN HERSELL SKILLMAN 1601 MARKET ST STE 720 PHILADELPHIA PA 19103-2307 PJH:ksk 0380-P02328US0		TO: (PLEASE PRINT) COMMISSIONER OF PATENTS WASHINGTON DC 20231-0001 BBE PCT	

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FOR PICKUP OR TRACKING CALL 1-800-222-1811

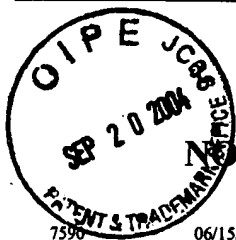
www.usps.gov





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



NOTICE OF ALLOWANCE AND FEE(S) DUE

000110

7590

06/15/2004

DANN, DORFMAN, HERRELL & SKILLMAN
1601 MARKET STREET
SUITE 2400
PHILADELPHIA, PA 19103-2307

EXAMINER

FREDMAN, JEFFREY NORMAN

ART UNIT

PAPER NUMBER

1637

DATE MAILED: 06/15/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,732	03/19/2001	David Mark Whitcombe	0380-P02328US	7974

TITLE OF INVENTION: NUCLEIC ACID SEQUENCE IDENTIFICATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$0	\$0	\$0	09/15/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.